

Message Text

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E.O. 11652: GDS, 12-31-79

TAGS: PFOR

SUBJ: CSCE-FRG COMMENTS ON SOVIET DRAFT DECLARATION

REF: USNATO 3475

SUMMARY. FOLLOWING IS INFORMAL MISSION TRANSLATION OF PAPER CIRCULATED BY FRG REP AT JULY 19 SENIOR POLADS MEETING (REFTEL) COMMENTING ON DRAFT DECLARATION PRESENTED BY USSR DURING FIRST STAGE OF CSCE. FACT THAT FRG PAPER WAS CIRCULATED IN FRENCH PRESUMABLY INDICATES THAT IT WAS INITIALLY PREPARED FOR DISCUSSION IN EC CONTEXT. END SUMMARY.

1. BEGIN TEXT

1. GENERAL OBSERVATIONS

THE SOVIET DRAFT DEMONSTRATES CONSIDERABLE TACTICAL SKILL BY GENERALLY RESPECTING THE STRUCTURE AND FORMULATIONS OF THE MANDATE ON PRINCIPLES. THIS APPLIES TO THE SECTION WHICH LISTS INITIALLY THE VARIOUS PRINCIPLES IN THE ORDER USED IN THE MANDATE
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AND EMPLOYING ITS TERMINOLOGY. AT FIRST GLANCE, THIS GIVES THE IMPRESSION THAT THE USSR SDHERED STRICTLY TO THE MANDATE ON PRINCIPLES IN TERMS OF SUBSTANCE AND THAT IT (THE USSR) HAS MADE MAJOR CONCESSIONSIN RELATION

TO ITS PREVIOUS POSITION. HOWEVER, THIS IS NOT THE CASE. IN ALL THE ESSENTIAL POINTS-AND PARTICULARLY ON THE "QUESTION OF FRONTIERS"-THE SOVIET UNION HAS MAINTAINED ITS MAXIMUM POSITIONS. THIS APPEARS EVEN MORE CLEARLY IF YOU TAKE INTO ACCOUNT, IN EVALUATING THE SOVIET DRAFT, THE CORRESPONDING SECTIONS IN THE SPEECHES OF GROMKYO, OLSZOWSKI AND WINZER, WHICH ONE SHOULD REGARD AS AN INTERPRETATION OF THE DRAFT DECLARATION FORMULATED WITH GREATER RESERVE.

IN ANY EVENT, THE SOVIET UNION IS THE FIRST CSCE PARTICIPANT TO PRESENT A DRAFT WHICH IS APPARENTLY COHERENT AND BALANCED, (AND THUS) SUSCEPTIBLE TO BEING REGARDED BY CERTAIN NEUTRAL STATES AS A USEFUL BASIS FOR WORK, IF ONLY AS A RESULT OF ITS RELATIVELY MODERATE FORMULATIONS, ITS GENERAL APPROACH AND ITS "FORMAL" RESPECT-WHICH IS VERY CLEVER- OF THE CATALOGUE OF PRINCIPLES. TO COUNTER-BALANCE THIS TACTICAL ADVANTAGE, CONSIDERABLE EFFORTS WILL BE NECESSARY IN DEVELOPING A WESTERN DRAFT.

2) DETAILED COMMENTS

ON POINTS OF DETAIL AND SUBJECT TO A MORE PROFOUND AND EXTENSIVE EXAMINATION, IT IS POSSIBLE, IN THE GERMAN VIEW, TO MAKE THE FOLLOWING OBSERVATIONS:

A) NON-USE OF FORCE (NUMBER ONE, PARA THREE).

THE FORMULATION IS RESTRICTIVE, WITHOUT DOUBT "IN THE INTEREST" OF THE SPECIAL RELATIONS AMONG THE SOCIALIST STATES. IT DOES NOT TAKE INTO ACCOUNT THE FACT THAT THIS PRINCIPLE SHOULD NOT ONLY EXCLUDE ARMED CONFLICTS, BUT ALSO, INTER ALIA, RESTRICTIONS ON POLITICAL INDEPENDENCE THROUGH THE THREAT OF FORCE.

B) INVIOABILITY OF FRONTIERS, TERRITORIAL INTEGRITY (NUMBER ONE, PARAS FOUR AND FIVE). CONFIDENTIAL

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ALTHOUGH THE SOVIET UNION HAS SOUGHT A RELATIVELY "NEUTRAL" SOLUTION, THE FACT THAT ITS FORMULATION DEPARTS FROM THE TEXT OF THE UN FRIENDLY RELATIONS DECLARATION AND THAT IT EXPRESSLY EXCLUDES TERRITORIAL CLAIMS, THAT IT MENTIONS "CURRENT FRONTIERS" IN CONNECTION WITH TERRITORIAL INTEGRITY SHOULD, HOWEVER, ALLOW THE EAST TO MAKE THE INTERPRETATION ACCORDING TO WHICH "THE RECOGNITION, UNDER INTERNATIONAL LAW, OF THE TERRITORIAL REALITIES EMERGING FROM THE SECOND WORLD WAR AND THE POST-WAR EVOLUTION IN EUROPE" HAS RECEIVED "MULTILATERAL CONFIRMATION BY THE CONFERENCE ON SECURITY" (SIC, WINZER).

C) PEACEFUL SETTLEMENT OF DISPUTES (NUMBER ONE, PARA SIX, NUMBER II).

HERE, THE SOVIET UNION HAS USED, IN PART QUOTING THE TEXT, THE FORMULATIONS OF THE UN DECLARATION ON FRIENDLY RELATIONS. IT APPEARS THAT OBLIGATORY PROCEDURES FOR THE SETTLEMENT OF DISPUTES SHOULD BE EXCLUDED FROM THE START. PARA TWO OF SECTION II GOES VERY FAR; THE SOVIET UNION OBVIOUSLY DESIRES IN THIS MANNER TO EXTEND ITS POSSIBILITIES FOR POLITICAL INFLUENCE.

D) NON-INTERVENTION (NUMBER ONE PARA SEVEN).

THE SOVIET UNION ADOPTS, FOR UNDERSTANDABLE REASONS, A GENERAL FORMULATION. BUT AT THE SAME TIME, THE SOVIET UNION DEMANDS RESPECT FOR THE "POLITICAL, ECONOMIC AND CULTURAL BASES", EXPECTING WITHOUT DOUBT FROM THE WEST RESPECT FOR THE "SPECIAL RELATIONSHIPS BETWEEN SOCIALIST STATES."

E) RIGHT TO SELF-DETERMINATION (NUMBER ONE, PARA NINE).

THE RIGHT OF A PEOPLE TO SELF-DETERMINATION IS REDUCED TO A CHOICE OF SOCIAL SYSTEM AND FORM OF GOVERNMENT (WITHIN A STATE). OTHER CASES OF THE APPLICATION OF THE RIGHT OF SELF-DETERMINATION, FOR EXAMPLE, IN THE SENSE OF THE EUROPEAN OPTION OR THE GERMAN OPTION, ARE THUS IMPLICITLY CONFIDENTIAL

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EXCLUDED.

F) EXECUTION OF OBLIGATIONS UNDER INTERNATIONAL LAW (NUMBER ONE, PARA 11).

THE FORMULATION ADDRESSES ONLY CONTRACTUAL OBLIGATIONS AND DOES NOT INCLUDE THE GENERAL RULES OF INTERNATIONAL LAW.

G) "SANCTIONS" (NUMBER TWO, PARA 4).

THE "ARRANGEMENT ON SANCTIONS", PROBLEMATIC IN ITSELF, IS WORDED IN SUCH A BROAD MANNER AS TO RISK GIVING THE EASTERN STATES, IN CERTAIN CASES, A PRETEXT FOR EFFORTS TO INFLUENCE THE POLICIES OF WESTERN STATES TOWARD NON-EUROPEAN COUNTRIES (FOR EXAMPLE, THE NEAR EAST, SOUTH AFRICA, EVENTUALLY CHINA).

I) HUMAN CONTACTS (PARA 8 OF THE PREAMBLE; NUMBER TWO PARA 7).

ALTHOUGH CONTACTS BETWEEN (ORGANIZATIONS AND) PEOPLE AS WELL AS THE EXCHANGE OF INFORMATION ARE MENTIONED

IN THESE TWO PARAS, IT IS ONLY IN A VERY RESTRICTIVE
FASHION (IN ORDER TO "REALIZE THE IDEALS OF PEACEFUL
COEXISTENCE"", WITH THE RESERVATION OF SERVING "THE TRUE
VALUES OF CULTURE AND ART.")
END TEXT RUMSFELD

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